Madam Speaker, let me just respond to some of what I have heard from the opposite side of the aisle. I am absolutely overcome by the great interest that my Republican colleagues have in helping minorities. I am so moved about the fact that all this is about helping minorities who have been put into trouble because they are subprime lenders. Now if they are, it is because they were the victim of predatory lenders who put them in a subprime position.

But I hardly think that this is all about taking care of minorities and these small businesses. This is about protecting the big banks. This is about protecting the national banks. You heard what the ranking member said. The big national banks have been in business for years, and we ought to let them operate the way that they have historically operated and not interfere with them.

I don't know where they get away with protecting these big national banks. And the constituents in their own district who are being misused because they happen to get money, money that was lent to them by a nonbank, and that nonbank partnered with a national bank, they are now having to pay the interest rates of another State, perhaps—like it was explained in California, why we have usury laws and there is a cap on those interest rates.

When they do this kind of partnering, it is all about getting to a State where they are made to pay whatever that big bank is allowed to collect from them.

Madam Speaker, this is a rip-off. This is about hurting the people who most need our help. This is about allowing this partnering to go on. And many of those people who are borrowing from these payday lenders and other nonbanks don't even know that they are going to be the victims of the big banks and the interest rates that they charge. This is absolutely ridiculous, and there is not a credible argument from the other side of the aisle about why they should disadvantage these minorities and small businesses that they claim that they are protecting. This is outrageous.

Madam Speaker, I am so pleased that the Senate passed this bill. And I am so pleased that the Republicans on the other side of the aisle—not on the other side of the aisle, on the other side of Congress—decided to join with the Democrats in order to do the right thing on behalf of our constituents.

Madam Speaker, when they talk about, Oh, this is just because they didn't like Trump and they want to undo whatever he has done, that is their talking point for the day. This is not about that.

This committee, the Committee on Financial Services, is a new and different kind of committee. We are not owned by the banks. We are not here to protect the big banks and the national banks. We are here because we are here to take care of what is right and what is fair. And this committee is not going to be about the business of ripping off the least of these.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the rule, the previous question is ordered on the joint resolution.

The question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCHENRY. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

## PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF THE RULE SUBMITTED BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION RELATING TO ''UPDATE OF COMMISSION'S CONCILIATION PROCEDURES''

Mr. SCOTT of Virginia. Madam Speaker, pursuant to section 7 of House Resolution 486, I call up the joint resolution (S.J. Res. 13) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Equal Employment Opportunity Commission relating to ''Update of Commission's Conciliation Procedures'', and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 486, the joint resolution is considered read.

The text of the joint resolution is as follows:

S.J. RES. 13

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That Congress disapproves the rule submitted by the Equal Employment Opportunity Commission relating to ''Update of Commission's Conciliation Procedures'' (86 Fed. Reg. 2974; published January 14, 2021), and such rule shall have no force or effect.

The SPEAKER pro tempore. The joint resolution shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor or their respective designees.

The gentleman from Virginia (Mr. SCOTT) and the gentlewoman from North Carolina (Ms. FOXX) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and insert extraneous materials on S.J. Res. 13.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of S.J. Res. 13, a Congressional Review Act resolution disapproving the Equal Employment Opportunity Commission, or EEOC, Conciliation Rule.

This resolution will help ensure fairness for those who bring forth charges of unlawful workplace discrimination.

When the EEOC has found that an employer likely violated the law, it is required under title VII of the Civil Rights Act of 1984 to engage in conciliation before filing a lawsuit. This conciliation process is meant to be an informal and confidential opportunity for parties to settle a charge of discrimination in lieu of going to court.

Unfortunately, in the final weeks of the Trump administration, the EEOC issued a final rule that imposed onerous new requirements on the conciliation process.

Under the new rule, the EEOC must provide an employer with a written summary of the facts and the nonprivileged information the EEOC relied on to determine that the employer violated the law. Notably, the rule requires the EEOC to expose the identities of workers or groups of workers for whom relief is being sought unless they proactively request anonymity, and their witnesses.

This new rule will put a thumb on the scale in favor of employers in cases where the EEOC found that they likely violated workers' civil rights. Specifically, the rule incentivizes employers to focus litigation on whether the EEOC failed to satisfy the rule's new requirements instead of whether the employer engaged in unlawful discrimination.

In fact, on settlement—settlements had been more likely since the Supreme Court ruled that this conciliation process should be informal, unlike the rule that was promulgated late in the Trump administration. This will allow unscrupulous employers to drag out the conciliation process, possibly for years—and even avoid accountability altogether—by just litigating over whether the EEOC complied with the conciliation rule rather than correcting the discriminatory process.

□ 1430

The EEOC rule conflicts with the Supreme Court's 2015 decision in Mach Mining v. EEOC. It was a unanimous decision. It held that the EEOC must

have the discretion to use whatever informal means of settlement are appropriate in each individual case. However, under the new rule, a rigid conciliation process will apply across the board, one-size-fits-all, in every case of workplace discrimination.

This solution will likely lead to increased retaliation against victims of discrimination and witnesses, as well as needless delays in justice for workers. We know that justice delayed is justice denied. This is why civil rights leaders and worker advocates across the country have called on Congress to pass this Congressional Review Act resolution and restore fairness for victims of workplace discrimination.

Madam Speaker, I include in the RECORD a Statement of Administrative Policy from the Biden administration in support of this resolution.

STATEMENT OF ADMINISTRATION POLICY

S.J. RES. 13—A JOINT RESOLUTION FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION RELATING TO ''UPDATE OF COMMISSION'S CONCILIATION PROCEDURES''—SEN. MURRAY, D–WA, AND NO COSPONSORS

The Administration supports Senate passage of Senate Joint Resolution 13 to nullify the Equal Employment Opportunity Commission's (EEOC) recently promulgated ''Update of Commission's Conciliation Procedures,'' which became effective on February 16, 2021, under the Congressional Review Act. The rule that S.J. Res. 13 would nullify imposed onerous and rigid new procedures on the EEOC's obligation to conciliate or ''settle'' meritorious claims of employment discrimination, that risks unduly delaying and diverting limited resources from agency efforts to investigate and resolve meritorious claims of employment discrimination. The rule increases the risk of retaliation by making it easier for employers to demand the identities of those with information about unlawful discrimination, which will likely have a chilling effect on the willingness of victims and witnesses to come forward. S.J. Res. 13 would nullify the rule's unnecessary and burdensome standards that would likely result in increased charge backlogs, and lengthier charge investigation, resolution and litigation times. The resolution will also ensure that EEOC has the flexibility to tailor settlements to the facts and circumstances of each case, thus increasing the likelihood of voluntary compliance. The resolution will furthermore ensure that justice for workers subject to discrimination is not delayed, or potentially denied, due to costly and time-consuming collateral litigation.

Mr. SCOTT of Virginia. Madam Speaker, I urge my colleagues to support the resolution, and I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in opposition to S.J. Res. 13, which negates a recent U.S. Equal Employment Opportunity Commission, EEOC, rule. I urge Members to reject this misguided resolution.

The rule in question, often referred to as the conciliation rule, is fair, increases transparency, reduces senseless litigation, and upholds a Federal statute.

There are dozens of pressing problems demanding Congress' attention. Our southern border is being run over by drug dealers and human traffickers. America is vulnerable to cyberattacks from adversarial foreign nations, like China and Russia. Our children are months behind in their schoolwork because of Democrats' insistence on putting teachers' union leadership demands before students' interests.

We could be addressing those problems, but Democrats are choosing to elevate the repeal of this commonsense rule before all those other immediate issues.

Let's examine the facts of the matter. The Civil Rights Act of 1964 requires EEOC to engage in conciliation. Before the EEOC can pursue court proceedings against an employer for a discrimination claim, the agency must work with the business to resolve the dispute.

There are good reasons Congress established this requirement. Successful conciliations provide immediate relief to employees who suffered discrimination. Conciliations also save these employees time and money. Court cases are adversarial and can last years. Individuals who experience discrimination should not have to wait years for justice.

Nothing in the regulation prohibits the EEOC from using the court system if conciliation fails. For over four decades, EEOC's conciliation process remained largely ineffectual and unaltered. Antiquated bureaucratic systems deserve scrutiny, and this opaque practice was long overdue for improvement.

Prior to the rule's promulgation, a paltry 41 percent of the conciliations were successful. One out of every three employers declined to participate in this broken process.

In 2015, the Supreme Court reprimanded the EEOC for its inadequate conciliation process, which included failing to communicate basic information about the alleged discrimination to employers. The mounting evidence of a failed conciliation process grew harder and harder for the EEOC to ignore. That is why the conciliation rule was issued on January 14, after an extensive notice-and-comment rulemaking.

Under the rule, the core tenets of conciliation remain unchanged. Conciliation stays voluntary, does not favor either the employer or the worker, and protects individuals' privacy.

The rule requires the EEOC to provide employers with basic but important information in support of the agency's findings, including simple underlying facts, the legal basis for the finding, an explanation of the monetary relief calculations, and whether the EEOC designated the case for a class of individuals.

The rule also does not increase costs to taxpayers. EEOC is on the record saying its operating budget will absorb any minor costs associated with implementing the rule.

In summary, S.J. Res. 13 harms the victims of discrimination; encourages the EEOC to pursue needless, combative, and expensive litigation; and turns the EEOC back into a politically driven, runaway bureaucracy.

Madam Speaker, I urge Members to vote ''no'' on S.J. Res. 13, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. BONAMICI), the chair of the Subcommittee on Civil Rights and Human Services, and cosponsor of the House version of this resolution.

Ms. BONAMICI. Madam Speaker, I rise in support of S.J. Res. 13, a resolution to repeal a harmful rule from the Equal Employment Opportunity Commission that threatens to delay or potentially deny justice for individuals who face workplace discrimination.

As chair of the Education and Labor Committee's Civil Rights and Human Services Subcommittee, I am pleased to co-lead the House companion to this resolution because far too many workers still experience workplace discrimination. The Civil Rights Act helps workers seek redress by directing the EEOC to engage in conciliation, which provides an opportunity for settlement before going to court.

But the EEOC's new rule added burdensome requirements, and it gives employers unfair advantages in the conciliation process. Under the rule, the EEOC discloses confidential information, analysis, and even the identities of workers to employers, increasing the likelihood of retaliation.

By passing this resolution, we can direct the EEOC to revert to its prior practices, which were upheld by the Supreme Court.

Madam Speaker, I want to note that in the Mach Mining decision from the U.S. Supreme Court in 2015, the Court held that ''Every aspect of the Title VII's conciliation provision smacks of flexibility. To begin with, the EEOC need only to 'endeavor' to conciliate a claim, without having to devote a set amount of time or resources to that project.''

We can direct the EEOC to revert to those prior practices that were upheld and that better support the needs of workers.

Madam Speaker, I thank Chairman SCOTT for his leadership, and I urge all of my colleagues to support this resolution.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, Democrats have claimed that EEOC's conciliation rule could subject employees to retaliation. This claim could not be further from the truth.

First, the rule explicitly states that employees may remain anonymous in the conciliation process if they so choose. In such cases, settlement discussions would proceed with the employee or employees making claims of discrimination remaining anonymous.

Second, the existing statutes to which the conciliation rule applies all make it illegal for an employer to retaliate against an employee for filing a charge with EEOC or participating in EEOC proceedings. An employer would be compounding its legal exposure if it unwisely tried to act against employees for making a complaint to the EEOC.

The claim that the conciliation rule will expose employees to retaliation is a red herring.

Madam Speaker, I urge my colleagues to vote against this misguided resolution, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I may consume.

Mr. Speaker, just to state on the question of whether or not the individuals can be revealed, identifying the aggrieved individuals must take place, but not if the individual or individuals have requested anonymity. That means you have to know that you are about to be revealed. You have to proactively request anonymity. If you haven't gone through those steps, then you will be revealed.

That is an unnecessary step. It puts people in unnecessary jeopardy, and I hope they would not subject that. It is not necessary. The EEOC has an obligation to do conciliation, but they need to do it on an individualized case, best aimed at settlement and based on an individual case, and reveal the information that is best for that purpose, and no more.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, in 2015, the Supreme Court harshly criticized EEOC's conciliation process in the Mach Mining decision, which held that a court may review whether the EEOC satisfied its statutory obligation to engage in conciliation before filing a lawsuit.

The agency claimed that two ''bookend letters'' were all that was needed to satisfy the statutory conciliation requirement, one at the beginning of the process announcing a finding of discrimination, and one at the end stating that conciliation had failed.

The Supreme Court disagreed and ruled that the EEOC must disclose to the employer ''what practice has harmed which person or class, and provide the employer an 'opportunity' to discuss the matter in an effort to achieve voluntary compliance.''

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I am prepared to close, and I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, S.J. Res. 13 is a partisan maneuver to overturn an eminently reasonable regulation. Before the rule, the EEOC's conciliation process was out of date, opaque, and ineffective. Individuals subject to workplace discrimination should not have to wait years for justice.

Employers are not asking too much when they request basic information about the EEOC's findings. The conciliation rule updates a broken system and is beneficial to both workers and employers.

S.J. Res. 13 delivers a partisan victory for the Democrats' technocrat base.

Madam Speaker, I reject S.J. Res. 13, and I urge my colleagues on both sides of the aisle to join me.

Madam Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it is our responsibility to reverse the EEOC's new conciliation rule. Before this harmful rule change, the EEOC's conciliation process was what it was meant to be, an informal, flexible, confidential opportunity to settle discrimination claims before going to court. That is what the Supreme Court ruled unanimously in 2015.

□ 1445

Now, the new conciliation rule is threatening to stack the process against workers by subjecting those who make discrimination claims to an increased risk of retaliation and allowing employers to hijack the process to focus on whether it failed to conciliate, not whether the employer violated the law.

Simply put, this is an unnecessary new regulation which will, at best, delay justice for victims of discrimination and, at worst, open the door for collateral litigation, adding potentially years to the process before ever reaching the merits of the discrimination claim.

That is why advocates of victims of discrimination support the resolution.

Madam Speaker, I include in the RECORD a letter from the Leadership Conference on Civil and Human Rights signed by 24 civil rights groups in support of the resolution.

THE LEADERSHIP CONFERENCE
ON CIVIL AND HUMAN RIGHTS,
*Washington, DC, June 9, 2021.*

Re Support S.J. Res. 13, a Congressional Review Act Resolution of Disapproval to Protect Workers from a Harmful EEOC Rule

DEAR REPRESENTATIVE: The undersigned 24 civil and workers' rights organizations urge you to vote for S.J. Res. 13, a Congressional Review Act (CRA) resolution of disapproval to undo a January 14, 2021, Equal Employment Opportunity Commission (EEOC) final rule that threatens to harm working people seeking relief from discrimination and to impede the work of the EEOC.

The EEOC final rule made several changes to conciliation, the process by which the EEOC tries to settle a charge of workplace discrimination. Instead of ensuring that discrimination charges are resolved fairly, the EEOC's final rule imposes several new obligations and disclosures that:

Significantly weight the conciliation process in favor of employers;

Delay justice and increase the likelihood of harm to working people;

Divert scarce EEOC staff time and resources away from investigating discrimination; and

Contravene controlling U.S. Supreme Court precedent.

The Senate passed S.J. Res. 13 on May 19, 2021. If the House now passes this resolution, Congress could undo this harmful rule and restore the status quo with respect to the EEOC's procedures. A resolution of disapproval is an appropriate exercise of Congress's power in this case, because the CRA is the most expeditious and effective option for addressing the negative impacts of the EEOC's final rule.

The EEOC must be able to conduct its work efficiently in order to be effective in its mission to prevent and remedy workplace discrimination. This mission is even more critical in the middle of a global pandemic that continues to have severe economic repercussions for women, people of color, and other marginalized communities, including a heightened risk of job loss, health and safety hazards, and discrimination based on sex, race, age, and disability.

Individuals who experience discrimination on the job already face significant hurdles to seeking redress, including retaliation, lack of information about their rights, and lack of access to legal assistance. When an individual does file a charge of discrimination against their employer with the EEOC, the agency collects information and conducts an investigation. If the EEOC finds ''reasonable cause'' to believe employment discrimination has occurred, the parties are invited to participate in the conciliation process, which seeks to settle or resolve the charges of discrimination informally and confidentially, in lieu of filing a lawsuit. Title VII requires the EEOC to attempt resolution of charges informally before considering or proceeding with litigation, and the EEOC may only pursue litigation if conciliation has failed.

The final rule will only deepen the barriers working people face coming forward to report discrimination and obtain justice. It requires the EEOC to grant the employer access to details of the victim and witnesses' identity and allegations, escalating the risk of retaliation for workers. Claims of retaliation made up more than half of all charges filed at the EEOC in FY 2020, and fear of retaliation prevents many victims of discrimination from coming forward and many witnesses from being forthright—something that may be especially true during an economic crisis. The rule also requires the EEOC to disclose critical information concerning the EEOC's legal analysis of the case to employers, and employers only. In other words, the EEOC would be required to automatically tum over its case files to employers whom the agency believes to have acted unlawfully, but not to the working people who are seeking a remedy for the discrimination they faced. This practice would exacerbate resource and information inequities between the parties to the benefit of employers only. Although the proposed rule would allow disclosures to the charging party upon request, many working people who file charges are unrepresented by counsel and will not know to make such a request. The EEOC, whose mission is to prevent and remedy discrimination, should not, in its own procedural rules, disadvantage the very party seeking to remedy discrimination.

By imposing inflexible rules on the conciliation process, the EEOC final rule also flouts congressional intent and is inconsistent with Supreme Court precedent. In its unanimous 2015 decision Mach Mining, LLC v. EEOC, the Supreme Court explained that

''every aspect of Title VII's conciliation provision smacks of flexibility,'' which allows the EEOC to tailor its approach to conciliation in the way most appropriate in each case. Without flexibility, the EEOC will be forced to divert resources away from investigating and remedying workplace discrimination and put them toward satisfying the final rule's burdensome standards, resulting in increased delays at the expense of victims of discrimination.

In addition, the rules would saddle EEOC with wasteful collateral litigation attacking the conciliation process, prolonging harm to workers through increased delay. This tactic was prevalent before Mach Mining, and that case itself shows the potential impact: The workers in Mach Mining—women excluded from coal mining jobs due to sex discrimination—were forced to wait nine years after the first charge was filed for relief, in part because of unmeritorious employer challenges to the conciliation process.

By invoking the CRA and passing a resolution of disapproval, Congress could quickly restore the status quo with respect to the EEOC's conciliation procedures, minimizing the harm to workers and eliminating the need for the EEOC to expend its scarce resources either undertaking rulemaking processes to rescind the conciliation rule or implementing the onerous new procedures in the final rule, and defending the sufficiency of the new conciliation process in collateral litigation by employers.

Importantly, application of the CRA to the final rule ensures that the EEOC would be prohibited from promulgating a ''substantially'' similar rule in the future that would hinder vigorous enforcement of federal workplace antidiscrimination laws. The final conciliation rule was both procedurally and substantively flawed, raising concerns about its integrity. As such, Congress's exercise of the CRA would be warranted here.

Accordingly, we urge you to support and vote for S.J. Res. 13, the CRA resolution of disapproval of the EEOC's final rule. Please contact Gaylynn Burroughs of The Leadership Conference on Civil and Human Rights at burroughs@civilrights.org, or Maya Raghu of the National Women's Law Center at mraghu@nwlc.org, if you have any questions.

Thank you,

The Leadership Conference on Civil and Human Rights, National Women's Law Center, A Better Balance, AFL–CIO, American Association of University Women (AAUW), Anti-Defamation League, Asian Pacific American Labor Alliance, AFL–CIO, Bazelon Center for Mental Health Law, Center for American Progress, Equal Rights Advocates, Feminist Majority, Futures Without Violence, Institute for Women's Policy Research, National Action Network, National Association of Councils on Developmental Disablities, National Employment Law Project, National Organization for Women, National Partnership for Women & Families, National Workrights Institute, Public Citizen, Sikh Coalition, TIME'S UP Now, Women Employed, Workplace Fairness.

Mr. SCOTT of Virginia. Madam Speaker, we cannot allow employers to drag out the conciliation process rather than be held accountable for violating workers' civil rights.

As I said at the beginning of this debate, justice delayed is justice denied. That is why I urge my colleagues to join me in voting for this resolution and taking a critical step to ensuring that those who suffer workplace discrimination can get timely and fair justice.

Madam Speaker, I thank the gentlewoman from Oregon (Ms. BONAMICI) for working with me on the House version of the resolution.

I ask for the support of the House to pass the resolution to overturn the EEOC regulation, and I yield back the balance of my time.

Ms. JACKSON LEE. Madam Speaker, as a senior member of the Judiciary Committee, I rise in strong support of S.J. Res. 13, a Congressional Review Act (CRA) resolution of disapproval to undo an Equal Employment Opportunity Commission (EEOC) final rule issued January 14, 2021 that threatens to harm working people seeking relief from discrimination and to impede the work of the EEOC.

The EEOC final rule made several changes to conciliation, the process by which the EEOC tries to settle a charge of workplace discrimination, all of which harm employees.

Instead of ensuring that discrimination charges are resolved fairly, the EEOC's final rule imposes several new obligations and disclosures that:

1. Significantly weight the conciliation process in favor of employers;

2. Delay justice and increase the likelihood of harm to working people;

3. Divert scarce EEOC staff time and resources away from investigating discrimination; and

4. Contravene controlling U.S. Supreme Court precedent.

The Senate passed S.J. Res. 13 on May 19, 2021, and by following suit, the House can ensure this harmful rule is rescinded and the status quo ante is restored with respect to the EEOC's procedures.

The EEOC must be able to conduct its work efficiently in order to be effective in its mission to prevent and remedy workplace discrimination.

This mission is even more critical in the middle of a global pandemic that continues to have severe economic repercussions for women, people of color, and other marginalized communities, including a heightened risk of job loss, health and safety hazards, and discrimination based on sex, race, age, and disability.

Madam Speaker, individuals who experience discrimination on the job already face significant hurdles to seeking redress, including retaliation, lack of information about their rights, and lack of access to legal assistance.

When an individual does file a charge of discrimination against their employer with the EEOC, the agency collects information and conducts an investigation.

If the EEOC finds ''reasonable cause'' to believe employment discrimination has occurred, the parties are invited to participate in the conciliation process, which seeks to settle or resolve the charges of discrimination informally and confidentially, in lieu of filing a lawsuit.

Title VII requires the EEOC to attempt resolution of charges informally before considering or proceeding with litigation, and the EEOC may only pursue litigation if conciliation has failed.

The final rule will only deepen the barriers working people face coming forward to report discrimination and obtain justice by requiring the EEOC to grant the employer access to details of the victim and witnesses' identity and allegations, escalating the risk of retaliation for workers.

Claims of retaliation made up more than half of all charges filed at the EEOC in FY 2020, and fear of retaliation prevents many victims of discrimination from coming forward and many witnesses from being forthright—something that may be especially true during an economic crisis.

The rule also requires the EEOC to disclose critical information concerning the EEOC's legal analysis of the case to employers, and employers only.

In other words, the EEOC would be required to automatically turn over its case files to employers whom the agency believes to have acted unlawfully, but not to the working people who are seeking a remedy for the discrimination they faced.

This practice would exacerbate resource and information inequities between the parties to the benefit of employers only.

The EEOC, whose mission is to prevent and remedy discrimination, should not, in its own procedural rules, disadvantage the very party seeking to remedy discrimination.

By imposing inflexible rules on the conciliation process, the EEOC final rule also flouts congressional intent and is inconsistent with Supreme Court precedent.

In its unanimous 2015 decision Mach Mining, LLC v. EEOC, 575 U.S.___, 135 S. Ct. 1645, No. 13–1019 (2015), the Supreme Court stated that ''every aspect of Title VII's conciliation provision smacks of flexibility,'' which allows the EEOC to tailor its approach to conciliation in the way most appropriate in each case.

Without flexibility, the EEOC will be forced to divert resources away from investigating and remedying workplace discrimination and put them toward satisfying the final rule's burdensome standards, resulting in increased delays at the expense of victims of discrimination.

By invoking the CRA and passing a resolution of disapproval, Congress could quickly restore the status quo with respect to the EEOC's conciliation procedures, minimizing the harm to workers and eliminating the need for the EEOC to expend its scarce resources either undertaking rulemaking processes to rescind the conciliation rule or implementing the onerous new procedures in the final rule, and defending the sufficiency of the new conciliation process in collateral litigation by employers.

In addition, application of the CRA to the final rule ensures that the EEOC would be prohibited from promulgating a ''substantially'' similar rule in the future that would hinder vigorous enforcement of federal workplace antidiscrimination laws.

For all of these reasons, I strongly support S.J. Res. 13, the CRA resolution of disapproval of the EEOC's final rule and urge all Members to join me in voting for its passage.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the rule, the previous question is ordered on the joint resolution.

The question is on third reading of the joint resolution.

The joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period less than 15 minutes.

Accordingly (at 2 o'clock and 47 minutes p.m.), the House stood in recess.

□ 1500

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. MCCOLLUM) at 3 p.m.

## PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF THE RULE SUBMITTED BY THE OFFICE OF THE COMPTROLLER OF CURRENCY RELATING TO ''NATIONAL BANKS AND FEDERAL SAVINGS ASSOCIATIONS AS LENDERS''

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on passage of the joint resolution (S.J. Res. 15) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of the Comptroller of Currency relating to ''National Banks and Federal Savings Associations as Lenders'', on which the yeas and nays were ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The vote was taken by electronic device, and there were—yeas 218, nays 208, not voting 4, as follows:

[Roll No. 181]

YEAS—218

Adams
Aguilar
Allred
Auchincloss
Axne
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Bourdeaux
Bowman
Boyle, Brendan F.
Brown
Brownley
Bustos
Butterfield
Carbajal
Cárdenas
Carson
Carter (LA)
Cartwright
Case
Casten
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Craig
Crist
Crow
Cuellar
Davids (KS)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Escobar
Eshoo
Espaillat
Evans
Fletcher
Foster
Frankel, Lois
Gallego
Garamendi
García (IL)
Garcia (TX)
Golden
Gomez
Gonzalez, Vicente
Gottheimer
Green, Al (TX)
Grijalva
Grothman
Harder (CA)
Hayes
Higgins (NY)
Himes
Horsford
Houlahan
Hoyer
Huffman
Jackson Lee
Jacobs (CA)
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Jones
Kahele
Kaptur
Keating
Kelly (IL)
Kildee
Kilmer
Kim (NJ)
Kind
Kirkpatrick
Krishnamoorthi
Kuster
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Leger Fernandez
Levin (CA)
Levin (MI)
Lieu
Lofgren
Lowenthal
Luria
Lynch
Malinowski
Maloney, Carolyn B.
Maloney, Sean
Manning
Matsui
McBath
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Mfume
Moore (WI)
Morelle
Moulton
Mrvan
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Newman
Norcross
O'Halleran
Ocasio-Cortez
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Perlmutter
Peters
Phillips
Pingree
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Rice (NY)
Ross
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, David
Sewell
Sherman
Sherrill
Sires
Slotkin
Smith (WA)
Soto
Spanberger
Speier
Stansbury
Stanton
Stevens
Strickland
Suozzi
Swalwell
Takano
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tonko
Torres (CA)
Torres (NY)
Trahan
Trone
Underwood
Vargas
Veasey
Vela
Velázquez
Wasserman Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Williams (GA)
Wilson (FL)
Yarmuth

NAYS—208

Aderholt
Allen
Amodei
Armstrong
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bentz
Bergman
Bice (OK)
Biggs
Bilirakis
Bishop (NC)
Boebert
Bost
Brady
Brooks
Buchanan
Buck
Bucshon
Budd
Burchett
Burgess
Calvert
Cammack
Carl
Carter (GA)
Carter (TX)
Cawthorn
Chabot
Cheney
Cline
Cloud
Clyde
Cole
Comer
Crawford
Crenshaw
Curtis
Davidson
Davis, Rodney
DesJarlais
Diaz-Balart
Donalds
Duncan
Dunn
Emmer
Estes
Fallon
Feenstra
Ferguson
Fischbach
Fitzgerald
Fitzpatrick
Fleischmann
Fortenberry
Foxx
Franklin, C. Scott
Gaetz
Gallagher
Garbarino
Garcia (CA)
Gibbs
Gimenez
Gohmert
Gonzales, Tony
Gonzalez (OH)
Good (VA)
Gooden (TX)
Gosar
Granger
Graves (LA)
Graves (MO)
Green (TN)
Greene (GA)
Griffith
Guest
Guthrie
Hagedorn
Harris
Harshbarger
Hartzler
Hern
Herrell
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill
Hinson
Hollingsworth
Hudson
Huizenga
Issa
Jackson
Jacobs (NY)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (OH)
Joyce (PA)
Katko
Keller
Kelly (MS)
Kelly (PA)
Kim (CA)
Kinzinger
Kustoff
LaHood
LaMalfa
Lamborn
Latta
LaTurner
Lesko
Letlow
Long
Loudermilk
Lucas
Luetkemeyer
Mace
Malliotakis
Mann
Massie
Mast
McCarthy
McCaul
McClain
McClintock
McHenry
McKinley
Meijer
Meuser
Miller (IL)
Miller (WV)
Miller-Meeks
Moolenaar
Moore (AL)
Moore (UT)
Mullin
Murphy (NC)
Nehls
Newhouse
Norman
Nunes
Obernolte
Owens
Palazzo
Palmer
Pence
Perry
Pfluger
Posey
Reed
Reschenthaler
Rice (SC)
Rodgers (WA)
Rogers (AL)
Rogers (KY)
Rose
Rosendale
Rouzer
Roy
Rutherford
Salazar
Scalise
Schweikert
Scott, Austin
Sessions
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spartz
Stauber
Steel
Stefanik
Steil
Steube
Stewart
Taylor
Tenney
Thompson (PA)
Tiffany
Timmons
Turner
Upton
Valadao
Van Drew
Van Duyne
Wagner
Walberg
Walorski
Waltz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams (TX)
Wilson (SC)
Wittman
Womack
Young
Zeldin

NOT VOTING—4

Bush
Fulcher
Khanna
Mooney

□ 1530

Messrs. GARCIA of California, DUNN, ROY, and HICE of Georgia changed their vote from ''yea'' to ''nay.''

Ms. SÁNCHEZ changed her vote from ''nay'' to ''yea.''

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. BUSH. Madam Speaker, due to being stuck in traffic, I was unable to make it in time to vote on rollcall No. 181. Had I been present, I would have voted ''yea'' on rollcall No. 181.

Stated against:

Mr. MOONEY. Madam Speaker, had I been present, I would have voted ''nay'' on rollcall No. 181.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Aderholt (Moolenaar)
Amodei (Balderson)
Beatty (Clark (MA))
Buchanan (Walorski)
Burgess (Jackson)
Castor (FL) (Demings)
Crist (Deutch)
DeFazio (Davids (KS))
DeSaulnier (Matsui)
Grijalva (García (IL))
Hoyer (Brown)
Johnson (TX) (Jeffries)
Kirkpatrick (Stanton)
Lawson (FL) (Evans)
Lieu (Beyer)
Lowenthal (Beyer)
Meng (Clark (MA))
Miller (WV) (Walorski)
Mullin (Cole)
Napolitano (Correa)
Pappas (Kuster)
Payne (Pallone)
Rice (NY) (Peters)
Ruiz (Aguilar)
Rush (Underwood)
Sewell (DelBene)
Soto (Deutch)
Titus (Connolly)
Van Drew (Reschenthaler)
Veasey (Fletcher)
Vela (Gomez)
Velázquez (Jeffries)
Wasserman Schultz (Deutch)
Waters (Takano)
Wilson (FL) (Hayes)
Young (Joyce (OH))

## LGBTQ BUSINESS EQUAL CREDIT ENFORCEMENT AND INVESTMENT ACT

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on passage of the bill (H.R. 1443) to amend the Equal Credit Opportunity Act to require the collection of small business loan data related to LGBTQ-owned businesses, on which the yeas and nays were ordered.